

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

THE PUBLIC WAREHOUSING
COMPANY K.S.C.,
a/k/a AGILITY,

Defendant.

CRIMINAL CASE NO.

1:09-CR-0490

ORDER

Pending before the court is Defendant The Public Warehousing Company, K.S.C., a/k/a Agility's motion [Doc. 9] to continue the initial appearance on the indictment scheduled for November 20, 2009, before the undersigned. The court notes that the scheduled appearance is also to conduct the arraignment on the charges in the indictment. Defendant seeks the continuance, until December 1, 2009, at 10:00 a.m., in order to investigate and determine whether service on "its United States subsidiary" complies with Federal Rule of Criminal Procedure 4(c)(3)(C). See United States v. Chitron Electronics Co., Ltd., 2009 WL 3769421 (D. Mass. November 12, 2009); United States v. Matthey, 2007 WL 634269 (D. Utah February 26, 2007). Defendant asserts that notice of the November 20, 2009, appearance was not received until after

close of business on November 16, 2009, and requests adequate time to determine whether a challenge to service is proper. [Doc. 9]. The Government opposes a continuance of more than one or two days and requests that Defendant advise the Government whether it will acknowledge service. [Doc. 10].

For good cause shown, the court **GRANTS** the motion [Doc. 9] to continue the initial appearance and arraignment until **December 1, 2009, at 10:00 a.m.**, before the Honorable Linda Walker, U.S. Magistrate Judge, courtroom number 1860, Richard Russell Federal Building. Defendant is **ORDERED** to advise counsel for the Government on or before close of business November 25, 2009, whether service will be acknowledged or contested to allow Government adequate time to prepare a response prior to the December 1, 2009, hearing.

IT IS SO ORDERED this 19th day of November, 2009.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE